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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AVE J. JACK,

Plaintiff

vs.

**MARMON/KEYSTONE
CORPORATION,**


Defendant.

Civil Action No. 06-889

Honorable Gary L. Lancaster

ORDER OF COURT

AND NOW, this 18th day of Sept, 2006, upon consideration of Defendant Marmon/Keystone Corporation's Motion to Dismiss Counts II, IV, and V of Plaintiff's Complaint in the Nature of a Motion for Summary Judgment, Memorandum of Law, and the record evidence cited in the Statement of Undisputed Material Facts, **IT IS HEREBY ORDERED** that Marmon/Keystone Corporation's Motion be and hereby is **GRANTED** and that judgment be and hereby is entered in favor of Defendant and against Plaintiff on Counts II, IV, and V of Plaintiff's Complaint. It is also ordered that the request for punitive damages contained in Count III of the Complaint is stricken.


United States District Judge